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New York

President:	Mr. Khalilzad	(United States of America)
Members:	Belgium	Mr. Grauls
	Burkina Faso	Mr. Koudougou
	China	Mr. La Yifan
	Costa Rica	Mr. Stagno Ugarte
	Croatia	Mr. Skračić
	France	Mr. Lacroix
	Indonesia	Mr. Kleib
	Italy	Mr. Spatafora
	Libyan Arab Jamahiriya	Mr. Gouider
	Panama	Mr. Arias
	Russian Federation	Mr. Kuzmin
	South Africa	Mr. Sangqu
	United Kingdom of Great Britain and Northern Ireland	Mr. Quarrey
	Viet Nam	Mr. Hoang Chi Trung

Agenda

Reports of the Secretary-General on the Sudan

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08-36743 (E)

The meeting was called to order at 10.15 a.m.

Opening remarks

The President: I should like at the outset of the meeting to extend on behalf of the Security Council a warm welcome to the new Permanent Representative of Belgium to the United Nations, His Excellency Mr. Jan Grauls. We are looking forward to working closely with him in the work of the Council.

Adoption of the agenda

The agenda was adopted.

Reports of the Secretary-General on the Sudan

The President: I welcome the presence of His Excellency Mr. Bruno Stagno Ugarte, Minister for Foreign Affairs of Costa Rica.

In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Luis Moreno-Ocampo, Prosecutor of the International Criminal Court.

It is so decided.

I invite Mr. Moreno-Ocampo to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Security Council will hear a briefing by Mr. Luis Moreno-Ocampo, Prosecutor of the International Criminal Court.

I now give the floor to Mr. Moreno-Ocampo.

Mr. Moreno-Ocampo: As in the past, I am grateful for this opportunity to give the Council clarity on the activities undertaken by my Office and on the activities planned.

This is an historic opportunity. As I brief the Security Council today in the Council Chamber, the Assembly of States Parties to the Rome Statute of the International Criminal Court is in session in New York, and Security Council members are in Africa. They have just met with the Government of the Sudan in Khartoum.

This is an historic opportunity. Ten years ago, countries from all over the world adopted the Rome Statute creating the International Criminal Court (ICC). They sent a new and powerful message: there can be no impunity for perpetrators of genocide, crimes against humanity and war crimes.

But three years ago, the Security Council referred the Darfur situation to the Court and thus sent an even more concrete message: there can be no impunity for perpetrators of massive atrocities in Darfur.

Today we have an historic opportunity to confirm those messages, to move from principles to action.

Massive crimes are still being committed in Darfur. Girls are still being raped. Children die as their schools are bombed. The entire Darfur region is a crime scene. Over the last five years, despite promises and denials, millions of civilians have been targeted by officials who vowed to protect them. Impunity reigns.

Today we have an historic opportunity to confront those massive crimes.

My Office received a mandate from the Council. This mandate is justice. I will fulfil my mandate. I have collected compelling evidence. The evidence will identify those most responsible for crimes against civilians in Darfur, in particular the Fur, Masalit and Zaghawa communities. I inform the Council that I will present a second case to the Judges of the International Criminal Court in July.

My Office has a duty not to intervene when national authorities are conducting national proceedings. That is the principle of complementarity. The Sudan claimed that it would investigate and prosecute perpetrators of crimes in Darfur. Various courts and investigative mechanisms were created. However, the Office has found no trace of Sudanese proceedings in relation to crimes in Darfur during the last three years. The Government itself has clarified that there were none.

In April 2007, the Judges of the International Criminal Court issued arrest warrants against Ahmad Harun, former Minister of State for the Interior, and Ali Kushayb, a militia/Janjaweed leader, for crimes against humanity and war crimes.

It was an opportunity for the Sudan to break the criminal system unveiled by the Court, to surrender the

indictees, to start proceedings against lesser perpetrators. This opportunity was lost.

The Sudan, a State Member of the United Nations, has the legal obligation and the ability to arrest and surrender Ahmad Harun and Ali Kushayb. I report today that the Government of the Sudan is not cooperating with the Court. There has been no improvement since December.

The Government of the Sudan is not complying with resolution 1593 (2005). The Government of the Sudan does not recognize the jurisdiction of the Court, a jurisdiction that the Security Council granted. As of today, and even to Council members in Khartoum, Sudanese officials insist that "the ICC has no jurisdiction over Darfur".

Impunity is not an abstract concept. Ahmad Harun is attacking the victims in the camps today. As Minister of State for Humanitarian Affairs, he is hindering humanitarian aid. As a member of the African Union-United Nations Hybrid Operation in Darfur (UNAMID) oversight committee, he is affecting the deployment and safety of peacekeepers. As a member of the National Congress Party-Sudan People's Liberation Movement Committee, he was sent to Abyei to manage the conflict. Abyei was burned down, and 50,000 citizens were displaced.

The Sudanese Government accepted UNAMID peacekeepers and aid workers in Darfur. The same Government is promoting Ahmad Harun. The Sudanese Government tolerates the firefighters and promotes the arsonists at the same time. The international community cannot ignore the arsonists; if they remain, there will never be enough firefighters.

The Security Council has the power to ensure the cooperation of the Sudan. The issue of arrests has to be central in any conversation with the Sudan. It is the first step. The Council must make publicly clear that the two fugitive indictees and those who protect them will not benefit from any lenience or any support from the international community.

In December, I informed the Council that my Office was opening two new investigations. In our second investigation, we collected evidence showing a pattern of attacks by Sudanese officials against civilians, in particular against those 2.5 million people forcibly displaced into camps. In our third investigation, we focused on the Haskanita attack, attributed to rebels. Let me give you further details.

In Darfur, the evidence shows an organized campaign by Sudanese officials to attack civilians, with the objective of physically and mentally destroying entire communities. Over a period of five years, they have been relentlessly attacked throughout Darfur: attacked in their villages, attacked in the camps, their land usurped. The first phase of attacks in 2003 to 2004 affected 4 million people. Since 2005, villages are still being attacked.

What is the difference between those two phases? A simple one: there are fewer villages left to burn and loot, fewer civilians to terrorize and kill. But the tactics remain the same: the Sudanese army, in coordination with the air force and militia Janjaweed, attacks civilians. In 2008 alone, it has displaced more than 100,000 civilians from the villages of Abu Suruj, Sirba, Seleia, Aro Sharow, Kandare, Kurlongo and Sheged Karo. Schools, markets and water installations have been hit. Homes have been burned. Such attacks are sufficient to demonstrate to the 2.5 million people displaced their total vulnerability. Such attacks are calculated to drive entire groups to inhospitable areas, where they die immediately, or into camps, where they die slowly.

In the camps, crimes and insecurity are organized. Far from being disarmed, the militia Janjaweed are integrated into the Sudanese security apparatus and stationed in the vicinity of camps. Rapes of women are systematic. The health consequences and the perceived shame of rape are, in effect, destroying physically and biologically the communities. Destitution is organized. Surveys — when Sudanese officials agree to their release — indicate that malnutrition rates exceed emergency thresholds, especially for children under five. Community leaders and teachers are the first to be targeted during attacks. This is a policy to ensure that all links binding communities together are torn.

Usurpation of land is systematic. Sudanese officials are not facilitating the return of displaced people. Sudanese officials are facilitating the settlement of groups affiliated with militia Janjaweed on Fur, Masalit and Zaghawa land. The census is crystallizing the situation, potentially creating a new demography. Displaced persons are concerned that new occupants could gain rights to the land, and are

resisting the census. In Kalma, Karandj and Abozr camps, violence has been used to force the population to accept the census. Combined with the impunity of perpetrators and the official denial of the crimes, the resulting mental harm to victims is devastating. The groups disintegrate.

Sudanese officials are protecting the criminals and not the victims. Denial of crimes, cover-ups and attempts to shift responsibility have been another characteristic of the criminal plan in Darfur. We have seen it before. The Nazi regime invoked its national sovereignty to attack its own population, and then crossed borders to attack people in other countries. In my own country, Argentina, the military dictatorship had a well-documented strategy to disguise the criminal system of disappearances. They denied the crimes, they minimized their crimes, they denied the involvement of members of the Government in the crimes, and finally they proposed to forget the crimes and focus on political solutions. Remember also Karadzic's Directive 7, instructing his army to create a situation of total insecurity with no hope of survival for the people of Srebrenica, while making sure to avoid international outcry. The main instruction was to discreetly reduce support to the United Nations Protection Force (UNPROFOR).

There is no end to the imagination employed in such cover-ups. In my written report I have provided statements of Sudanese officials to the effect that the situation in Darfur is stable, that the provision of aid and the deployment of peacekeepers is proceeding smoothly, that only 10,000 people have died since the beginning of the conflict, that all attacks find their origin in rebel acts or even mistakes by UNAMID and that political negotiations will solve all problems. The evidence shows a different picture.

The evidence shows that the commission of such crimes on such a scale, over a period of five years and throughout Darfur, has required the sustained mobilization of the entire Sudanese State apparatus: the coordination of the military, security and intelligence services, the integration of the Janjaweed militia, the participation of all ministries, the contribution of the diplomatic and public information bureaucracies and the control of the judiciary.

Let me now address our third investigation: into the crimes committed against peacekeepers and aid workers, those who came to help Darfuris. The list of attacks is long. On 29 May in Al Fashir, the memorial for the 61 African Union (AU) peacekeepers who lost their lives in Darfur was unveiled. My Office is determined to bring those responsible to justice. The evidence is not yet sufficient to go to the judges, but we have information that the October 2007 killing of 10 African peacekeepers in Haskanita was committed by two rebel splinter factions. That requires corroboration. Requests for additional information were sent to the AU and the United Nations, as well as to individual States and others. Such requests are confidential, but allow me to request publicly that all actors respond as early as possible. The 23 May attack on Nigerian peacekeepers and the killing of a Ugandan peacekeeper make it all the more urgent to ensure accountability. Increased attacks targeting aid personnel and peacekeepers could lead us to extend the scope of the third investigation.

I am concerned as well about allegations of the recruitment of child soldiers. Child recruitment is a crime that can engulf entire generations in conflict. The first trial of the International Criminal Court will start this month, and it is precisely about child soldiers.

Let me now clarify for the Council the next judicial steps. I will proceed to the judges in July and present my evidence on who are those most responsible for the crimes described. It will be a public application. The decision will rest with the judges. In previous cases, the judges have taken from one to three months to decide on the merits of the evidence.

Before I conclude, let me address the issue of international cooperation. I want to thank all those who have responded to our requests for information — including on tracing the indictees — and all those who have publicly or in bilateral meetings with the Sudanese explained the importance of enforcing the warrants. Those States have helped the victims, the Court, the Council and the Sudan.

I am grateful for AU Chairperson Konare's efforts, and I look forward to working with his successor, Jean Ping. Deputy Prosecutor Bensouda has been invited to Sharm el-Sheikh. I have met, and will again meet with, the Foreign Minister of Tanzania, who is a steadfast supporter and the current President of the African Union.

I would like to underline the efforts of the Secretary-General to address with President Al-Bashir the obligation to execute the arrest warrants. Secretary-

General Ban Ki-moon, in working for a comprehensive solution in Darfur and the Sudan, has consistently shown his vision and conviction that respect for the lives of Sudanese citizens is at the centre of any such solution.

On 16 June, I will address the General Affairs and External Relations Council of the European Union. The Slovenian presidency and the European Parliament have been outstanding in putting impunity at the forefront of the European Union's agenda.

I have also met with the Secretary-General of the League of Arab States, as well as with many of its member States. They have played a key role as friends and neighbours of the Sudan and as supporters of international law and justice for all the citizens of the world. They provide aid to the victims, they provide resources to the peacekeepers, and they have lost soldiers. I confirmed to them that I will fulfil my mandate independently and impartially. Their respect is crucial to my Office.

Security Council members and all countries with strong ties with the Sudan can do more to bring justice to the Darfuris and the Sudanese people.

Let me conclude. A rebellion is going on in the Sudan. Under international law, a Government has the right and the responsibility to maintain control of its territory. There is no doubt about that. But there is no military justification for bombing schools, and no legal excuse for raping women. Those crimes have been carefully prepared and efficiently implemented. They are not mistakes. They are not inter-tribal clashes. They are not cases of collateral damage. They are, quite simply, criminal acts against civilians — unarmed civilians. Citizens from the Sudan are being deliberately attacked by Sudanese officials. In the words of Harun, the people of Darfur are the enemy. Their own State is attacking them. If the international community does not protect the Darfuris, they will be eliminated.

It takes a lot to commit massive crimes. It takes planning and organization. It takes commanders and many executioners. But mostly, it requires that the rest of the world look away and do nothing. The Council, when it requested my Office to intervene in Darfur, acted in a decisive way, thinking of the Darfuris but remembering also Rwanda and Srebrenica. At the Council's request, my Office will present new evidence exposing the facts and identifying those most responsible. Based on those facts, I ask the Security Council to send a strong message to the Government of the Sudan and to issue a presidential statement, requesting that it stop the crimes; requesting that it arrest Ahmad Harun and Ali Kushayb; requesting that all parties assist the Court; and requesting, simply, compliance with resolution 1593 (2005). A presidential statement will send such a message.

Silence has never helped or protected victims. Silence only helps the criminals.

The President: I thank Mr. Moreno-Ocampo for his briefing.

I now give the floor to the members of the Security Council.

Mr. Stagno Ugarte (Costa Rica) (*spoke in Spanish*): It is an honour for me to participate in this meeting of the Security Council on the situation in the Sudan, while just steps away from this chamber, 106 States Members of the United Nations are simultaneously meeting as an assembly of States parties of the International Criminal Court. In effect, just steps away from this chamber, there is a firm commitment to eradicating impunity for the most atrocious crimes perpetrated by evil. Just steps away from this chamber, there is a firm commitment to fight the banalization of evil.

Thus far, Prosecutor Luis Moreno-Ocampo of the International Criminal Court has submitted seven reports to the Security Council. Seven times, the Prosecutor has come to enumerate the atrocities that have occurred and are occurring in Darfur — coordinated and planned atrocities carried out against civilians who were not participants in any conflict. In the report he has submitted today, the Prosecutor has laid out the facts with absolute clarity. These are not an incidental by-product of war; they are a calculated crime. Seven times he has shared with the Council the degree of cooperation — or, to be more precise, non-cooperation — that the Government of the Sudan has offered. Seven times, pursuant to a mandate of this Council under resolution 1593 (2005), the Prosecutor has thoroughly fulfilled his responsibility.

We would like to be able to say the same of this Council. The actions of the Council, and thus of the member States gathered around this table that give life to it, have clearly been inadequate to the situation in Darfur. Internal differences and political calculations

have thus far impeded effective action by the Council. What we can agree on, although it is not of much comfort, is that the Council has complied with the final paragraph of resolution 1593 (2005), in that it has remained seized of the matter. However, the perpetuation of the situation is in and of itself part of the problem, because as time passes, the Council runs the risk of accommodating evil as the graves continue to be filled in Darfur.

I exhort the Council to find a solution that adequately addresses the imperatives of both peace and justice. It certainly cannot continue with what, as time passes, seems to be a policy of appeasement of Khartoum and of indifference to the atrocities that are occurring in Darfur. The Council must stop delaying and subordinating the imperatives of justice to political calculations, or, to cite the Prosecutor, thinking that political negotiations will solve everything. Just as, in adopting resolution 1593 (2005), the Security Council had the political will to refer the situation in Darfur to the International Criminal Court, it must now act accordingly and demand surrender by Khartoum of the accused, Ahmad Harun and Ali Kushayb. By blatantly and repeatedly failing to comply with its obligations under resolution 1593 (2005), the Government of the Sudan is not only affronting the Court, but openly defying the authority of the Council and the binding nature of resolutions adopted under Chapter VII.

The Government of the Sudan is toying with us, toying with human dignity, toying with the authority of this Council. The appointment of Ahmad Harun as Minister of State for Humanitarian Affairs, as a member of the negotiating committee of the National Congress Party-Sudan People's Liberation Movement/ Army and as supervisor of the population census in South Darfur, among other responsibilities, is concrete evidence of the cynicism of the authorities in Khartoum. We can no longer afford to appease such cynicism.

The facts speak for themselves. We cannot plead ignorance. If, through indifference or for the sake of political convenience, this Council does not make its best effort to enforce the cooperation of Khartoum with the International Criminal Court and its surrender without further delay of Ahmad Harun and Ali Kushayb in conformity with resolution 1593 (2005), in the not-too-distant future we will once again be invoking our promise of "never again". We, the civilized world, made that same promise following the Holocaust, and more recently following events in Kampuchea, Bosnia, Rwanda or Kosovo, and are currently putting it to the test in the Sudan.

It may be uncomfortable to raise the failures and ghosts of the past, but at times we must recall them in order to avoid making the same mistakes. I therefore take the liberty of quoting some of the conclusions contained in the landmark independent reports prepared by the United Nations in response to previous situations in which the Security Council, above all, had the opportunity and responsibility to act.

Because of the limited time available, I will refer only to two reports and two previous situations, and make abbreviated references to some of the lessons learned from a past that we do not have the luxury of forgetting, no matter how uncomfortable it may be. I turn to those independent reports not only because Costa Rica endorses their conclusions and believes in their full applicability to the situation now before us, but also because we believe that they are the result of a dispassionate and detailed analysis of the errors of the past. We do so because we believe that, despite the specificities of each case, the lessons of Srebrenica and Rwanda, for example, should resonate with full force within this chamber. The ghosts of Srebrenica and Rwanda should awaken us to the fact that in the Sudan there are some who believe that the graves in Darfur are not yet sufficiently full.

Here is the first ghost. The Security Council should recall the contents of the report of the Secretary-General on Srebrenica of 15 November 1999. I would like to quote the conclusion of the report:

> "The cardinal lesson of Srebrenica is that a deliberate and systematic attempt to terrorize, expel or murder an entire people must be met decisively with all necessary means, and with the political will to carry the policy through to its logical conclusion." (*A/54/549, para. 502*)

Allow me also to refer to the following words of repentance contained in the report, which accurately describe what I hope many of us here think of the situation in Darfur:

> "Through error, misjudgement and an inability to recognize the scope of the evil confronting us, we failed to do our part to help save the people from the Serb campaign of mass murder. No one

> regrets more than we the opportunities for achieving peace and justice that were missed. No one laments more than we the failure of the international community to take decisive action to halt the suffering ... Srebrenica crystallized a truth understood only too late by the United Nations and the world at large: that Bosnia was as much a moral cause as a military conflict." (*ibid., para. 503*)

Lastly, fearing that we are heading towards a repetition of the past, allow me to highlight the following paragraph of the report of the Secretary-General on Srebrenica:

> "In the end, the only meaningful and lasting amends we can make to the citizens of Bosnia and Herzegovina who put their faith in the international community is to do our utmost not to allow such horrors to recur. When the international community makes a solemn promise to safeguard and protect innocent civilians from massacre, then it must be willing to back its promise with the necessary means. Otherwise, it is surely better not to raise hopes and expectations in the first place." (*ibid., para. 504*)

Second ghost. History repeats itself. The report of the Independent Inquiry commission of 16 December 1999 on the genocide in Rwanda learly attributes the failure of the United Nations Assistance Mission for Rwanda to "a lack of resources and a lack of will to take the commitment which would have been necessary to prevent or to stop the genocide" (*S/1999/1257, p. 30*). Although, since in the specific case of the Sudan we have budgeted some $2.126 billion for the African Union-United Nations Hybrid Operation in Darfur and the United Nations Mission in the Sudan peacekeeping operations, no lack of resources seems to apply, we still need, starting yesterday, to muster within the Security Council the political will needed to face up to the responsibilities that the tragedy in Darfur calls for. As the report also demonstrated — and I believe this to be particularly pertinent in light of the mission that has taken some Council members to Khartoum — it is a cause for concern that more "emphasis [was placed] on a cease-fire, more than the moral outrage against the massacres, which was growing in the international community" (*ibid, p. 41*).

Similarly, the report of the Independent Inquiry commission emphasized the dilemma that we are once again facing as to whether to negotiate with those in control, irrespective of the acts they may have committed. The commission did not doubt that, in its view,

> "the United Nations had an obligation to make absolutely clear to the members of the ... Government the individual responsibility which accompanies the commission of genocide and war crimes" (*ibid., p. 39*).

Finally, in a situation that is painfully similar to the one before us, the commission considered that "[t]he Security Council bears a responsibility for its lack of political will to do more to stop the killing" (*ibid., p. 37*).

In Costa Rica, currently a non-permanent member of the Council, we refuse to believe that we, the international community, are inevitably heading towards a new "never again". We are worried, however, by the apparently boundless capacity of some to face shame. We are likewise worried that the inability of the Council to respond to evil with dignity, promptly and with the full moral authority of the Charter of the United Nations could also be boundless in this specific instance. The Council knows of the evidence of the crimes committed; it knows that the guilty parties have been identified; and it knows which Government authorities protect and shelter them. All we need is for the States members of the Security Council to have the decency to muster the political will necessary to enforce the full compliance of resolution 1593 (2005) by the authorities in Khartoum. Enough appeasement — the time has passed to continue accommodating evil.

Allow me to end by highlighting the final paragraph of the report of the Secretary-General on Srebrenica, as it explicitly establishes that the imperatives of peace and justice are mutually supporting.

> "The men who have been charged with this crime against humanity reminded the world and, in particular, the United Nations, that evil exists in the world. They taught us also that the United Nations global commitment to ending conflict does not preclude moral judgements, but makes them necessary." (*A/54/549, para. 506*)

Costa Rica trusts in the International Criminal Court and would also like to trust in the capacity of the

Security Council to address this complex situation. That, however, will depend on the States members of the Council. As they know, Costa Rica is coordinating the drafting of a presidential statement on the issue before us. We hope that all — and I stress, all — States members of the Council will cooperate with us in sending a forceful message commensurate with the tragic events unfolding. The confidence that Costa Rica would like to have in the Security Council's effectiveness in this specific case will depend on whether or not we muster the decency to acknowledge the facts, to enforce full compliance with resolution 1593 (2005) and not to appease those who still feel that the graves in Darfur are not sufficiently full.

Mr. Grauls (Belgium) (*spoke in French*): Allow me at the outset to thank you, Sir, for your words of welcome and to express my pleasure at taking my place at the Security Council table. You can rely on my full support and that of my delegation.

I should also like to thank Mr. Moreno-Ocampo, Prosecutor of the International Criminal Court, for his briefing. Belgium is particularly alarmed by the information it contains, as conveyed to us by the Prosecutor.

Belgium's position on the issue of Darfur is well known. The search for a comprehensive solution entails an approach comprised of four dimensions: the political, the military, as represented by the African Union-United Nations Hybrid Operation in Darfur (UNAMID), the humanitarian and the legal. We view the elements of that four-fold approach as being complementary to one another.

The fight against impunity is undoubtedly an end in and of itself, but it is not just that. The condemnation of those responsible for the most serious crimes — war crimes and crimes against humanity — may contribute directly or indirectly by promoting progress with respect to the other pillars of the comprehensive approach. It can do so directly by ensuring that no more harm can be done by those who, for example, impede the distribution of humanitarian assistance, the deployment of UNAMID or the political process. It can do so indirectly through the deterrence effect.

We must once again deplore not merely the lack of cooperation from the Government of the Sudan but even outright support for individuals who are the subjects of arrest warrants, in particular Mr. Ahmad Harun. I need hardly recall that resolution 1593 (2005), by which the situation in Darfur was referred to the International Criminal Court, was adopted under Chapter VII of the Charter. On the basis of the evidence presented by the Prosecutor, the Court decided — in full independence and based on the criteria set out in the Rome Statute — that the Sudan had undertaken no proceedings with respect to Mr. Harun or Mr. Kushayb in relation to crimes that are the subject of proceedings under way at the International Criminal Court.

The overall context in Darfur is of great concern. The prospects for the political process remain discouraging, and the recent escalation of violence, both by the rebels and by Government forces with the support of Janjaweed militias, targeting civilian populations, is particularly disturbing. People are undergoing unspeakable suffering, including displacements, killings, rapes and other violence.

It is at this difficult juncture that, for the reasons I have enumerated, the judicial path must be followed with determination. Crimes must not be denied: they must be identified through a rigorous, authorized judicial process. The Prosecutor's conclusion that a criminal plan, involving the entire State apparatus, exists is particularly alarming. If the existence of such a plan is established, those responsible must be brought to justice.

My delegation has taken note of the Prosecutor's intention to submit his evidence to the judges of the International Criminal Court soon. My delegation urges the Sudanese authorities to cooperate fully with the Prosecutor and the Court, as they are obliged to do under resolution 1593 (2005), by apprehending and transferring to The Hague the two individuals who are subjects of arrest warrants. More than a year after those arrest warrants were issued, it is time for the Security Council to remind the Sudanese Government of its obligation, under resolution 1593 (2005), to cooperate with the Court.

I recall too that this is also the position of the entire European Union, which, in its 31 March 2008 declaration, called on the Government of the Sudan to cooperate unconditionally with the Court. Belgium thus fully supports the draft presidential statement submitted by Costa Rica to that end.

The first indications from the Security Council mission that is currently in the Sudan do not make it

possible to detect any change in the position of the Sudanese authorities. Whatever the future decisions of the Court, and without prejudging such decisions, Belgium will continue to robustly urge the Security Council, consistent with its own decisions, do everything in its power to ensure that the decisions of the Court are implemented.

Mr. Skračić (Croatia): I would like to welcome the Prosecutor of the International Criminal Court (ICC), Mr. Moreno-Ocampo, to the Security Council and to thank him for his briefing and his detailed report. My delegation has listened carefully to the Prosecutor's message; he has left no doubt about who he believes is responsible for the situation in Darfur.

Croatia is very disappointed by the continued failure of the Government of Sudan to cooperate with the International Criminal Court. The appointment of the indicted ICC fugitive Mr. Ahmad Harun as Minister of State for Humanitarian Affairs in the Government serves as the most tangible proof of this and underlines a blatant disregard for the victims — but also for the Court and its Prosecutor and, not least, for the Security Council, which referred the situation in Sudan to the Court in its Chapter-VII resolution 1593 (2005).

Considering the gravity and clarity of the Prosecutor's report, my delegation takes the position that strong action by the Council is needed to solicit the cooperation of the Government of Sudan. In that regard, we support the Costa Rican draft presidential statement that has been circulated, and we thank the delegation of Costa Rica for its timely preparation.

My delegation reiterates its dismay at the situation, as expressed by the European Union declaration of 31 March 2008. It reiterates that the International Criminal Court is an essential means of promoting respect for international humanitarian law and human rights, thus contributing to freedom, security, justice and the rule of law, as well as contributing to the preservation of peace and the strengthening of international security.

We understand the sensitivities on the ground and the importance of keeping all tracks on the move, including the political one. But we strongly believe that there can be no lasting — and especially, no comprehensive — peace without justice. Allowing impunity to persist is not a prudent way to seek political settlements.

So, once again we call on the Government of Sudan to comply with all relevant Security Council resolutions and to cooperate unconditionally with the ICC, as is requested in resolution 1593 (2005).

Finally, we would also like to reiterate the European Union announcement that the Union will support further measures against those who bear responsibility for Sudan's failure to cooperate with the International Criminal Court if that failure to cooperate continues.

Mr. Arias (Panama) (*spoke in Spanish*): Allow me at the outset to thank Prosecutor Moreno-Ocampo for introducing the striking — to say the least — report of the International Criminal Court (ICC), which examines in detail the implementation of resolution 1593 (2005). I take this opportunity also to welcome the presence of the Minister for Foreign Affairs of Costa Rica, my good friend His Excellency Bruno Stagno Ugarte, and to assure him that Panama shares the commitment of Costa Rica — and his own personal commitment — to the purposes of the United Nations and of the International Criminal Court; I thank him for his statement this morning.

I wish also to convey a warm welcome to the new Permanent Representative of Belgium, Ambassador Jan Grauls.

In March 2005, through the adoption of resolution 1593 (2005), the Security Council, for the first time, referred a specific case to the International Criminal Court under article 16 of the Rome Statute. That historic event gave the International Criminal Court the responsibility to ensure that the war crimes and crimes against humanity committed in Darfur would not go unpunished. The Court fully accepted the task and has undertaken a detailed investigation of those violations.

The result of the investigation led to arrest warrants being issued against Minister Harun and Mr. Kushayb for their alleged commission of war crimes and crimes against humanity. We trust that those investigations will identify those guilty of all crimes committed in Darfur, without distinction between authorities and rebels. However, after one year since the issuance of the warrants, the Government of the Sudan refuses to arrest and hand over those individuals in compliance with due process. Prosecutor Moreno-Ocampo has told us that, in addition to failing to enforce the decisions of the Court, the highest levels of

the Government of the Sudan are taking decisions to commit, deny and cover up crimes.

In that context, we must emphasize that all resolutions of the Council are legally binding for all States Members of the United Nations. The obligations that arise from resolution 1593 (2005) require the Government of the Sudan to cooperate with the International Criminal Court, regardless of whether or not it is a signatory of the Rome Statute. That is why we demand once again that the Government of the Sudan comply with its responsibility to the international community by arresting and placing those individuals in the Court's custody as soon as possible. On the other hand, as the Court's report has suggested, failure to do so and its consequences will lead to the perception of total impunity, which will only provoke more violence and complicate efforts to establish the conditions necessary for peace and security in Darfur.

Last October, in this very Chamber, we condemned the attack on the African Union mission base in the city of Haskanita, presumably by groups of rebels. The Council has also reiterated its concern at the ongoing violence in Darfur. Accordingly, Panama fully supports the decision of the Court to investigate two new cases to determine those responsible for persistent attacks on the civilian population, especially the Fur, Masalit and Zaghawa tribes, as well as the African Union and United Nations personnel responsible for protecting them. It is precisely such dedication, impartiality and integrity that will make the Court's work more relevant and welcome.

Panama cannot disregard Prosecutor Moreno-Ocampo's clear and dramatic description of the seizure of lands to which the people of Darfur have been subjected, or his warning that the violence against unarmed civilians, the impunity of the perpetrators of the violence and their protection by the Government could lead to the disappearance of the people of Darfur. If that is not genocide, I do not know what else to call it.

Panama calls on those countries that have signed the Rome Statute not just to comply with their obligations under it, but also to ensure that there is an end to impunity for war crimes and crimes against humanity. We also call upon those countries that have not signed the Rome Statute to do so. The International Criminal Court is an appropriate mechanism for bringing to trial and judging those responsible for war crimes and crimes against humanity.

Finally, Panama unconditionally supports the draft presidential statement presented by the Government of Costa Rica.

Mr. Spatafora (Italy): First of all, I would like to extend a very warm welcome to the Foreign Minister of Costa Rica, Mr. Bruno Stagno Ugarte. This is, for many of us, an opportunity to welcome Mr. Ugarte back to the Council for a day. As Permanent Representative of Costa Rica, Bruno Stagno left a very clear footprint that we are still following today. I think that, with his statement today, he has also left a deep footprint.

I also offer a warm welcome to the new Permanent Representative of Belgium, Ambassador Jan Grauls. We welcome him among us as a member of the family.

I wish to express my very sincere thanks to Mr. Luis Moreno-Ocampo, Prosecutor of the International Criminal Court, for his very clear, focused and appalling briefing.

Let me reiterate Italy's full and strong support for the International Criminal Court and the work of the Prosecutor. Italy fully appreciates the very difficult environmental circumstances in which the Prosecutor and his staff are conducting their investigation and wishes to renew its full confidence in him and his staff.

More than three years have elapsed since resolution 1593 (2005) was adopted, and we are being told once again that serious crimes continue to be committed against civilians in Darfur by all parties in a climate of impunity — total impunity.

Today's briefing is a source of deep concern for us. On the one hand, it reconfirms the need for a more robust and effective approach to the conflict in Darfur encompassing the humanitarian, security, political and rule of law dimensions. However, the pursuit of such a comprehensive approach cannot be grounds for further postponing full compliance with resolution 1593 (2005). We share the Prosecutor's view that bringing to justice those who are responsible for serious and continued violations of international humanitarian law and human rights law will greatly contribute to peace in Darfur.

Peace and justice are precisely what the victims are seeking and what the population of Darfur is expecting after more than 40 years of conflict. We can no longer fail to heed their call.

What is at stake is our credibility as an Organization and as States Members of the Organization. What is at stake is our responsibility. What is at stake is our accountability. Today, now, a few hundred yards from here, a round table is taking place that has been organized by the United Nations Development Fund for Women on resolution 1325 (2000) on women and peace and security. They are addressing the accountability gap, but to whom are we accountable? We are accountable to the women who are subject to the crimes that the Prosecutor has described. We are accountable to the children. We are accountable to those who suffer, as the Prosecutor has told us. It is therefore a question of consistency with the principles to which we have subscribed in the Charter of the United Nations, in the preamble of which we reaffirm our faith in the dignity and worth of the human person. As the Prosecutor said, given our responsibility and accountability, we have to move from principle to action. Therefore, we have here, in the words of the Prosecutor, an historic opportunity.

Since the establishment of the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, the Security Council has consistently made it clear that massive human rights violations are per se a threat to peace that must be addressed by punishing individual perpetrators, as Foreign Minister Stagno Ugarte has so eloquently recalled. On that basis, as we know, the Council referred the situation in Darfur to the International Criminal Court under resolution 1593 (2005) in March 2005. That resolution must be fully implemented — and of this there has to be a strong awareness — including its provision that

> "the Government of the Sudan and all other parties to the conflict in Darfur shall cooperate fully with and provide any necessary assistance to the Court and the Prosecutor pursuant to this resolution". (*para. 2*)

We are strongly concerned by the report we heard of continued lack of cooperation and by the fact that the arrest warrants have not yet been executed. Moreover, one of the individuals on the investigations still holds a prominent position in the Government.

As recalled by my Belgian colleague, on 31 March the European Union issued a declaration on the occasion of the third anniversary of the adoption of resolution 1593 (2005), calling on the Government of Sudan to cooperate unconditionally with the International Criminal Court and to surrender the two individuals for whom it has issued arrest warrants.

Italy too calls on the Government of Sudan and all other parties to the conflict in Darfur to comply with their obligations under all Council resolutions. Members will not be surprised if I recall here Article 25 of the Charter, which says; "The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter". What I ask myself — and what I think all of us have to ask ourselves — is whether we are in the process of modifying the United Nations Charter by acquiescence, because what is now at stake is a modification of Article 25, an erosion day by day through acquiescence. And we know that acquiescence is a source of international law. So let us not be responsible for such an erosion.

Fighting impunity has rightly become one of the priorities of the international community, but that principle, which is at the core of the Rome Statute of the International Criminal Court, has yet to be translated into consistent practice. Darfur is a major test case of our ability, as I said before, to pass from words to actions, and I call on all stakeholders to make sure that this opportunity is not missed.

Finally, Italy fully supports a response by the Council to the Prosecutor's briefing in the form of the draft presidential statement presented by Costa Rica, which reaffirms resolution 1593 (2005) and the duty of all parties to the conflict in Darfur to cooperate fully with the ICC. We fully support that draft text.

Mr. Kleib (Indonesia): Let me start by joining previous speakers in welcoming the Prosecutor of the International Criminal Court (ICC), Mr. Luis Moreno-Ocampo, to the Council, and thanking him for his briefing on the implementation of resolution 1593 (2005). We would like also to welcome the presence of Mr. Bruno Stagno Ugarte, Foreign Minister of Costa Rica. We also warmly welcome the new Permanent Representative of Belgium in our midst.

Since the Prosecutor's last briefing, on 5 December of last year (see S/PV. 5789), the security and humanitarian situation in Darfur has continued to

deteriorate. The international community's efforts to help Sudan to address the Darfur situation are facing mounting challenges, the primary one being the intensifying armed clashes. All armed conflicts everywhere, without exception are accompanied by criminal acts, including serious crimes. Failure to achieve peace produces not only prolonged suffering but also the continuation of those crimes. Indonesia strongly condemns all gross violations of human rights and international humanitarian law. We condemn those who commit war crimes and crimes against humanity. Impunity must not be tolerated, and the perpetrators of those crimes must be brought to justice without unnecessary delay.

Here, we share the profound concern expressed in the Prosecutor's report with regard to ongoing crimes by all parties. The Prosecutor's briefing today noted intensifying criminal acts in Darfur, including the violent targeting of civilians, peacekeepers and aid workers, as well as their premises and equipment. However, the realities of both peace and justice will have to be taken into account in order to achieve a comprehensive and durable settlement in Darfur.

We therefore deeply regret the refusal by some of Darfur's rebel movements to participate in the political process led by the Special Envoys of the African Union and the United Nations. As a result, the political process initiated in Sirte more than seven months ago has faltered, while discussions of security at the technical level are being hampered by those same rebel movements.

We recall in this regard that the Security Council, in its presidential statement of 24 October 2007 (S/PRST/2007/41), had underlined its willingness to take action against any party that seeks to undermine the peace process, including by failing to respect such a cessation of hostilities or by impeding the talks, peacekeeping or humanitarian aid. The Council may indeed consider it timely to act upon that willingness.

My delegation regrets that no progress has been made in the cooperation between the ICC and the Government of Sudan. In the interests of justice in the long run, cooperation between the ICC and the Government of Sudan will have to be resumed if judicial processes in the Sudan and by the ICC are going to take place.

We note that the Prosecutor is proceeding with two new investigations, namely on crimes committed against peacekeepers and humanitarian personnel and on the mobilization of State apparatus to plan, commit and cover up crimes against civilians. We encourage investigations that are not only thorough but also comprehensive. Crimes committed by Darfur armed rebel movements, including the Haskanita incident, as well as other attacks against peacekeepers and humanitarian organizations, require thorough investigation as well. The international community, including the ICC, needs also to be seen as impartial in order to continue to play a constructive role.

My delegation strongly believes that Sudan's sovereignty must always be respected, but that sovereignty also comes with rights and responsibilities. In this regard, we underline the obligations of the Government of Sudan to comply with the provisions of resolution 1593 (2005). At the same time, it is Indonesia's position that the implementation of resolution 1593 (2005) and actions of the Prosecutor shall neither nullify the principle of complementarity nor absolve Sudan's national court of its responsibility regarding the perpetrators. We are confident that Sudan's national court will take up that responsibility. Cooperation with the ICC will be essential if Sudan is expected to investigate and prosecute the cases selected by the prosecutors. Indonesia strongly believes that the issue of cooperation by the Government of Sudan with the ICC should be addressed in a comprehensive manner, in the context of achieving durable peace and security.

Finally, my delegation stresses once again its appreciation of the Court's independence, as well as the Prosecutor's efforts to implement resolution 1593 (2005). It is our long-held view that once the Security Council refers a case to the ICC it should be obliged to respect the Court's independence and allow its legal processes to take their due course.

Mr. Koudougou (Burkina Faso) (*spoke in French*): At the outset, let me warmly welcome His Excellency the Minister for Foreign Affairs of Costa Rica. I also warmly welcome His Excellency the new Permanent Representative of Belgium, who has just joined us. I wish him every success in his new functions.

Let me also welcome Mr. Moreno-Ocampo and thank him for the briefing he has just given us. My delegation takes note of the report he has submitted to us. As a party to the Statute of the International

Criminal Court and as a member of the Security Council, Burkina Faso has closely followed the activities of the Court. It attaches the greatest importance to its efficient functioning and to compliance with Council resolutions.

Given the complexity of the conflict in Darfur and the seriousness of the crimes at issue, the task of the Court is very delicate and difficult. That is evidenced by the fact that almost two years elapsed between the opening of the initial inquiry, on 1 June 2005, and the issuance of the first arrest warrants, on 27 April 2007. It is for that reason that this matter as a whole must be addressed with the highest degree of caution, rigour, impartiality and patience, while the approach must be strictly legal.

We regret the delays experienced by the mechanisms established by the Government of the Sudan to prosecute the perpetrators of crimes. Given that those mechanisms must play an important role in revealing the truth and prosecuting the guilty, we call on the Government of the Sudan to take all the necessary steps to ensure that they begin to function quickly and effectively.

My delegation believes that no solution must be excluded and no effort spared to shed light on the crimes committed in Darfur and to prosecute the perpetrators. However, those goals cannot be achieved unless the Government of the Sudan and the Prosecutor of the International Criminal Court maintain a constructive dialogue and strengthen their working relationship.

As indicated in paragraph 46 of the Prosecutor's report, a number of States and international organizations — including the African Union and the League of Arab States — are cooperating with the Court. That proves that the international community is concerned about the crimes committed in Darfur and the crucial need to ensure the protection of civilians in the region and throughout the Sudan.

Despite numerous efforts by the United Nations and the whole of the international community, the conflict in Darfur is continuing, with civilians being the first and principal victims. We therefore once again appeal to all actors to respect the lives of civilians and to allow humanitarian access, in accordance with their obligations under legal instruments on the protection of human rights and international humanitarian law.

In that regard, we recognize that the Government of the Sudan is primarily responsible for the security of its civilians. We nevertheless believe that significant progress in the deployment of the African Union-United Nations Hybrid Operation in Darfur will contribute to alleviating the suffering of civilians in Darfur.

The crimes committed in Darfur, as elsewhere, should not go unpunished. To that end, all parties should cooperate with the International Criminal Court in order to render justice to the victims and to ensure that the perpetrators are punished.

Nevertheless, the only way to put an end to those crimes continues to be the advent of lasting peace in Darfur, in the Sudan in general and in the subregion. We urge the participants in the various conflicts to dedicate themselves to that goal; and we call on neighbouring countries, regional and subregional organizations and the entire international community to assist them in good faith to that end.

Mr. Gouider (Libyan Arab Jamahiriya) (*spoke in Arabic*): I would like to welcome the presence among us today of the Minister for Foreign Affairs of Costa Rica and the new Permanent Representative of Belgium. I should also like to join speakers who have preceded me in welcoming Mr. Moreno-Ocampo, Prosecutor of the International Criminal Court (ICC), as well as to thank him for his briefing.

There is no need to emphasize my country's commitment to combating impunity and its rejection of compromising with perpetrators when it comes to enforcing the law. However, we know how difficult it is to achieve those goals, as we are aware of the delicate and confidential responsibilities entrusted to a prosecutor's office required by a legal mandate and professional obligations to carry out a sober prosecution that avoids condemning prior to trials, presents findings immediately following thorough investigations and closely scrutinizes diverse pieces of evidence, whether corroborating or exculpatory in nature.

The report that has been presented to us refers to ongoing investigations. Many paragraphs of the report contain diverse legal and political accusations against the highest organs of a State and its military and security machinery. In many cases, those accusations are based on press and political reports. To date, there have been no findings or conclusions with regard to

investigations into the practices of the rebel movements. In short, the issue has been presented as if it had to do with the pattern of behaviour of a State obsessed solely with the destruction of the basis for its existence, namely, its people and their tribal and social fabric.

My country's experience has taught us that the intensity of the language used in the statement invoking resolution 1593 (2005) will undermine the environment of cooperation and assistance called for both by the resolution itself and the report that has been presented to us. It also risks undermining opportunities to strengthen cooperation in our work in the context of the Council's current mission to the Sudan. We know that, by its very nature, cooperation is a dynamic process that can take place only through calm dialogue and mutual confidence, regardless of differences with the Sudan and its positions or the Sudan's commitment to the Rome Statute and its application. There is no hope that mutual confidence will prevail while national legal proceedings are being marginalized. In conformity with the Rome Statute, the competency of the ICC complements the national legal system.

Along with the Sudan's cooperation, we had expected that the Court and the Office of the Prosecutor would have made additional efforts to promote the rule of law, protect human rights and combat impunity in Darfur. The resolution encouraged it, highlighting the universality of the ICC and its proceedings and furthering its goals.

The Council's referral of the Darfur case to the Court, in our view, was not prompted by political motivations or with the intention of interfering in the Sudan's affairs through a technical legal process, the politicization of which is in no one's interest. That is particularly true since the referral was not made at the expense of a comprehensive consideration of the situation by the Council that would take into account the balancing of its numerous political, security and humanitarian priorities.

We agree that peace and justice are indivisible. Yet how can justice be achieved? How will the Sudanese people view such justice, meted to all its factions, without exception, including the victims of the rebel movements? It is a political process led by the United Nations, which respects the sovereignty of Member States, that will achieve harmony, stability and security by addressing in all earnest the underlying causes before the symptoms.

The strong message expected of the Council today must, in our view, focus on that process and its progress by all means and inclusive of all parties. That is what my country has tried to achieve in the course of recent years; it is what we are trying to achieve in Geneva in the framework of noble regional and international efforts, which we hope will succeed and bear fruit.

Mr. Sangqu (South Africa): At the outset, allow me to thank the Minister for Foreign Affairs of Costa Rica for his participation in this Council meeting today. We also wish to welcome the new Permanent Representative of Belgium to the Council.

Allow me to express the appreciation of my delegation to the Prosecutor of the International Criminal Court (ICC), Mr. Moreno-Ocampo, for his statement before this Chamber and in particular for the important work that he is doing.

South Africa is a member of the ICC and we remain committed to supporting its work. As we have stated before in this Chamber, we see the Court as central to ending impunity for international crimes and to establishing conditions under which justice and the rule of law can be maintained. The ICC, through its ability to deter the further commission of international crimes, serves as an advocate of adherence to the rule of law, and thus we expect cooperation with its work.

We are acutely aware of the challenges facing the Prosecutor, arising primarily from the fact that the ICC does not have its own police force or army to execute its warrants of arrest and is therefore entirely dependent on the cooperation of States in that regard. It would seem to us that there is a responsibility incumbent upon the Security Council to demand the cooperation of States, particularly in instances in which the Council has referred cases to the Court.

In resolution 1593 (2005), the Council called upon the Government of the Sudan and all other parties in Darfur to cooperate fully with and provide necessary assistance to the Court and the Prosecutor. In that regard, we note with regret that there has not been any progress with regard to the ICC-issued arrest warrants. We therefore urge the Government of the Sudan and other parties involved in Darfur to cooperate fully with the ICC. There can be no sustainable peace without

justice in Darfur, and it is vital to bring to justice those accused of bearing the primary responsibility for the crimes committed.

We also note with disappointment that, since the Prosecutor's previous report to the Council, the situation in Darfur has not improved and civilians continue to be targeted. South Africa continues to support a comprehensive approach towards the resolution of the conflict in Darfur, including the political, security, humanitarian and judicial processes. Only progress on all those fronts will secure sustainable peace for the people of Darfur as they are subjected to persecution, abuses and violations of fundamental human rights.

It is for that reason that we support a declaration from the Security Council on this issue.

Mr. La Yifan (China) (*spoke in Chinese*): China would like to thank Prosecutor Moreno-Ocampo for his briefing. China has noted that the Office of the Prosecutor has pursued its communication with the neighbouring countries of the Sudan and the African Union and is continuing its investigation in the case of a peacekeeper who was attacked in September 2007. China appreciates the efforts of the Office of the Prosecutor to seek solutions to impunity in Darfur.

China follows closely the situation in Darfur. It is regrettable that the conflict has continued in Darfur. It is all the more heartbreaking to see, as a result, the deterioration of the humanitarian situation. China condemns atrocities against human rights and international humanitarian law and supports a constructive role for the International Criminal Court (ICC) in appropriately resolving the problem of impunity in Darfur.

As the Prosecutor points out in his report, the ICC is a supplement to the domestic judicial system of the State. China hopes that the Sudanese Government will, under the precondition that the domestic judicial system be the main channel, enhance its communication with the ICC, strengthen cooperation, establish mutual trust and jointly resolve the problem of impunity in Darfur.

We believe that only with the improvement of the situation and political stability can there be a solution to the problem of impunity and can judicial fairness be fundamentally realized. At present, the situation in Darfur does not allow for optimism. Work in all fields faces challenges. The international community should continue its two-track strategy and focus on the political process and peacekeeping deployment. Work in all fields needs mutual cooperation and reinforcement rather than division and isolation.

China understands that some countries are eager to resolve the question of impunity, but it is not realistic to do so in a hurry. In the broader picture, other areas are facing difficulties, and it is thus impossible for the judicial sphere to achieve isolated, quick and substantive progress. China hopes that all parties will cooperate with one another and move in the same direction so as to achieve a comprehensive solution to the question of Darfur as soon as possible.

Mr. Kuzmin (Russian Federation) (*spoke in Russian*): Allow me to thank the Prosecutor of the International Criminal Court, Mr. Moreno-Ocampo, for his briefing and his seventh report on measures to investigate the situation in Darfur in accordance with resolution 1593 (2005). We commend the efforts of the Office of the Prosecutor to strictly abide by its mandate, to assess events in that Sudanese province from an exclusively a legal standpoint, and to independently and impartially carry out its functions to establish the truth.

The fight against impunity is important. However, in our view, it must be carried out in direct linkage with the overall efforts to restore peace in the Sudan.

Carefully weighed and prudent action is called for if we are to avoid further complications on the path towards a settlement in Darfur. In each individual case, the right balance must be struck between the requirements of personal responsibility and the interests of the peace process. In our view, that is not an easy task, but it is possible.

The Russian Federation deeply regrets and is concerned by the information contained in the report of the Prosecutor of the International Criminal Court with respect to ongoing violence in Darfur. We anticipate that the outcome of the current Security Council mission to countries in Africa, including the Sudan, will give us a more detailed picture of events there. A great deal has been said today about problems in establishing cooperation between the Court and the Government of the Sudan, which leads us to conclude that there are several reasons underlying the current situation. Instead of increasing unilateral pressure on

the Sudanese authorities at this politically sensitive phase, we might perhaps do better to focus our efforts on measures to restore mutual trust and establish dialogue.

The principle of objectivity calls for a comprehensive assessment of the actions of all parties to the conflict. In that regard, we listened most carefully to the information provided on the steps taken by the investigation to clarify the circumstances of the attack on African Union peacekeepers in Haskanita. We note that the attack was only one among several episodes that have threatened the lives of those who are on a noble mission in the region. There must be a full-fledged investigation into all such incidents. The initial steps taken by the Office of the Prosecutor in that respect clearly deserve support. At the same time, we are of the view that the bulk of the effort lies ahead.

Mr. Lacroix (France) (*spoke in French*): I, too, should like to thank the Minister for Foreign Affairs of Costa Rica for his participation in this debate, and to pay tribute to his country's activities on behalf of the International Criminal Court (ICC) and the fight against impunity.

I join with those who have welcomed the new Permanent Representative of Belgium, Ambassador Jan Grauls.

I thank the Prosecutor of the International Criminal Court, Mr. Moreno-Ocampo, for the very detailed and specific briefing he made in compliance with resolution 1593 (2005). I would recall that the Security Council sought, in adopting that resolution, to make the fight against impunity and crimes committed in Darfur essential elements of the solution to the threat to peace and security in the Sudan and the region. It was in the spirit of justice, and to accomplish its mission to re-establish peace and security, that the Council referred the issue to the ICC and requested the Prosecutor to investigate the situation in Darfur since 1 July 2002, acting under Chapter VII of the Charter and his mandate under article 13 of the Rome Statute. France fully supported that decision, which demonstrated that the missions of the Security Council and the International Criminal Court are deeply complementary. Indeed, resolution 1593 (2005) is based on the fact that the crimes committed in Darfur are of such gravity that, according to the preamble of the Rome Statute, they threaten the peace, security and well-being of the world.

Unfortunately, the picture painted by Mr. Moreno-Ocampo's report is very similar to that of last December. Crimes that fall under the International Criminal Court's competence and within the scope of resolution 1593 (2005) continue to be committed in Darfur. The Sudanese Government is not cooperating with the Court and has taken no measures to execute the arrest warrants of 27 April against Ahmad Harun, former Minister of State for the Interior and current Minister of State for Humanitarian Affairs, and Ali Kushayb, a militia Janjaweed leader, for crimes against humanity and war crimes. Mr. Harun has even been given new and important official responsibilities and is active publicly. Ali Kushayb is under no investigation and is now back on active duty. Those two people continue to be involved in operations against civilians.

In paragraph 2 of resolution 1593 (2005), the Security Council decided "that the Government of Sudan and all other parties to the conflict in Darfur, shall cooperate fully with and provide any necessary assistance to the Court and the Prosecutor". The Prosecutor's report makes it clear that the Sudanese Government is not complying with that obligation. Its discussions with the Security Council's mission to the Sudan in recent days confirm that it intends not to do so. It thereby not only refuses to bring two major criminals to international justice, but is also rejecting the Council's authority and flouting its obligations as a Member of the United Nations. That is doubly unacceptable.

The Security Council must support the Prosecutor's activities in the context of the mission with which it has entrusted him, especially now that he has announced the introduction to the Court of new evidence against those responsible for crimes against civilians in Darfur. The Security Council must also firmly defend its authority and that of the Charter of the United Nations. It must demand respect for resolution 1593 (2005), cooperation from the Sudanese Government with the Court, and the execution of the arrest warrants against Ahmad Harun and Ali Kushayb. The delegation of France is thus in favour of the Security Council's adoption of a statement clearly recalling the Sudan to its obligations. More generally, we expect the Sudan to implement all the Council's resolutions that concern it.

Finally, I emphasize that France fully supports the European Union statement of 31 March, issued on the anniversary of the adoption of resolution 1593

(2005), which remains fully valid. I recall that, in its statement, the European Union called on the Government of the Sudan to cooperate unconditionally with the International Criminal Court and to hand over the two individuals subject to arrest. It also affirmed that, in the case of non-compliance with resolution 1593 (2005), the Union would support the adoption of further appropriate measures against those responsible for the Sudan's lack of cooperation with the Court.

Mr. Hoang Chi Trung (Viet Nam): First, please allow me to join others in conveying our warmest welcome to the Foreign Minister of Costa Rica and to the new Permanent Representative of Belgium.

My delegation wishes also to thank Mr. Luis Moreno-Ocampo, Prosecutor of the International Criminal Court (ICC), for presenting his seventh report to the Council pursuant to resolution 1593 (2005).

Together with the latest reports of the Secretary-General on the Sudan, in document S/2008/267, and on the deployment of the African Union-United Nations Hybrid Operation in Darfur, in document 2/2008/304, the information brought to the attention of the Security Council by Mr. Moreno-Ocampo today further underlines the fact that the situation in Darfur, as well as the implementation of the Comprehensive Peace Agreement in the Sudan, remain highly complicated. My delegation shares the assessments in the Secretary-General's reports and expresses its grave concern over the reported attacks against civilians and humanitarian forces in Darfur. We also fully acknowledge that continued efforts are needed to create conditions favourable to the peace process, including promoting the trust and cooperation of all concerned parties in the Sudan. We strongly support the United Nations activities, including the missions mandated by the Security Council to help bring about peace, security and stability in the Sudan.

Fighting impunity for violations of international humanitarian law and human rights law in Darfur is part of the comprehensive endeavour for peace and national reconciliation in the Sudan. We agree that justice for the victims of such violations is a component of a long-term and sustainable peace in the Sudan. At the same time, we believe that the application of justice must respect legal principles and should be sensitive to the complex and volatile situation in the country.

By resolution 1593 (2005), the Security Council referred the situation in Darfur since 1 July 2002 to the ICC Prosecutor and requested the Government of the Sudan and all other parties to the conflict in Darfur to cooperate with the Court. The Council also encouraged the Court, as appropriate and in accordance with the Rome Statute, to support international cooperation with domestic efforts to promote the rule of law, protect human rights and combat impunity in Darfur. For this judicial process to be successful, the international community should try to find appropriate ways to help promote further cooperation and participation by the Sudan, as a sovereign State, with the ICC, as an independent international judicial body which, in accordance with its Statute, has a jurisdiction which is complementary to national jurisdictions. Confrontational attitudes and mistrust are not helpful and should be avoided.

Viet Nam encourages the Government of the Sudan to step up the efforts of judicial bodies in the Sudan in exercising national criminal jurisdiction relating to violations of international humanitarian law and human rights law in Darfur, including through cooperation with the ICC and with other countries. We call on all parties to armed conflict in Darfur to abide by national and international law and to participate in the Darfur Peace Agreement and in the peace process jointly led by the United Nations and the African Union. The achievement and consolidation of peace and stability in the Sudan will provide favourable conditions for promoting the rule of law and combating impunity.

Mr. Quarrey (United Kingdom): We join others in welcoming His Excellency the Foreign Minister of Costa Rica to today's briefing. His presence reflects Costa Rica's strong leadership on this issue. We also welcome the new Permanent Representative of Belgium.

And, of course, we welcome Prosecutor Moreno-Ocampo back to the Security Council today. We thank him for his briefing and for his written report. We commend him for his continued and untiring efforts, together with his team, to implement the mandate conferred upon the International Criminal Court (ICC) by the Security Council in resolution 1593 (2005) to investigate violations of international humanitarian law in Darfur. The United Kingdom fully endorses the Prosecutor's observation, which was also stressed by many Council members in our debate six months ago, that ending impunity is an essential component of a

solution in Darfur. That was the primary reason for the adoption of resolution 1593 (2005).

It is therefore deeply disturbing to read, and to hear in detail again from the Prosecutor today, reports of continuing violence in the region. It is clear that the humanitarian situation remains very grave. There is an urgent need to end the cycle of violence in Darfur, including the ongoing targeting of civilians, sexual violence, attacks on peacekeepers and humanitarian personnel and the hindrance of humanitarian aid.

As the Prosecutor notes in his report, there can never be any excuse for bombing schools or raping women and girls. All parties to the conflict should cease acts of violence and work together towards the creation of a lasting peace. The ICC, as an independent judicial institution, has a vital role to play in efforts to combat impunity, through its investigation of crimes in Darfur. Those accused of the most serious crimes must be brought to justice. We endorse what His Excellency the Foreign Minister of Costa Rica said about impunity and the principle of "never again".

We call upon all parties in the conflict in Darfur to cooperate fully with, and provide all assistance to, the ICC and its Prosecutor, as they are required to do by resolution 1593 (2005). That obligation extends to the Government of Sudan, so we are gravely concerned to hear that there has been no change, since the Prosecutor's last report, in the Government of Sudan's attitude towards the ICC investigation. It is now more than a year since the arrest warrants for Ahmad Harun and Ali Kushayb for alleged crimes against humanity and war crimes were issued, yet no action has been taken by the Government of Sudan to execute the warrants: the individuals remain at large. We call upon the Government of Sudan to immediately execute the arrest warrants for both of those suspects and to provide all necessary cooperation to the Court.

As I said at the outset, the Security Council conferred a mandate on the ICC to investigate the situation in Darfur. The Prosecutor has to work strenuously to implement that mandate. The Security Council should respond by demonstrating clearly and publicly through a presidential statement that the ICC Prosecutor has the full backing of the Security Council in his efforts to implement resolution 1593 (2005).

The President: I shall now make a statement in my capacity as representative of the United States.

We appreciate the report of Prosecutor Moreno-Ocampo. The violence in Darfur must end, and those who have committed atrocities, genocide, war crimes and crimes against humanity in Darfur must be held accountable and be brought to justice. With that in mind, I would like to make three points.

First, we share the Prosecutor's assessment that the situation in Darfur remains alarming and that accountability for past and present crimes against the people of Darfur is needed to enhance security and to send a warning to individuals who might resort to brutality as a way of achieving their aims.

Secondly, we also share the concern about the continuation of attacks, not only on displaced persons and other innocent civilians, but also on the African Union-United Nations Hybrid Operation in Darfur, United Nations personnel and international aid and relief workers. Violence and criminality against those who came to help the suffering people of Darfur is barbaric and intolerable. Impunity for such acts, as the Prosecutor's report notes, is an element in feeding the climate of violence, and it must end.

Thirdly, the United States continues to be deeply committed to peace, stability and the provision of humanitarian aid for the people of Sudan. Since the start of the Darfur crisis, the United States has provided more than $4 billion in humanitarian and peacekeeping assistance to Sudan, including more than $400 million to build 34 base camps for peacekeepers in Darfur and $100 million to train and equip African peacekeepers in Darfur.

The United States strongly believes that those responsible for the acts of genocide, war crimes and crimes against humanity committed in Darfur must be held accountable and be brought to justice. We look forward to continuing to work with other members of the Council on necessary steps, including working with Costa Rica on a draft presidential statement to achieve that important objective.

I now resume my functions as President of the Security Council.

There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 12.10 p.m.